

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

JUAN ANTHONY SANCHO,

Plaintiff,

No. 1:20-cv-01232-CL

v.

ORDER

JACKSON COUNTY, *et al.*,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mark Clarke. ECF No. 106. Judge Clarke recommends that Defendants’ Motion for Summary Judgment, ECF No. 58, be granted in part and denied in part, and that Plaintiff’s Motions for Judgment on the Pleadings, ECF Nos. 72, 73, be granted.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review.

See Thomas v. Arn, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 114, and Defendants have filed Objections, ECF No. 113. Plaintiff has filed a Response to Defendants’ Objections, ECF No. 128, and Defendants have filed a Response to Plaintiffs’ Objections, ECF No. 125. The Court has reviewed the F&R, the Objections, Responses, and the record and finds no error. The Findings and Recommendation, ECF No. 106, is therefore ADOPTED.

Defendants’ Motion for Summary Judgment, ECF No. 58, is GRANTED in part and DENIED in part. As explained in the F&R, Defendants are entitled to qualified immunity for the force applied during the intake process and during the takedown in the dry cell. Defendants Deputy Tawnya Sellers and Sergeant Jeffery Carpenter are entitled to summary judgment as set forth in the F&R. Defendants are not entitled to qualified immunity with respect to the decision to shackle Plaintiff to the grate in the floor. Defendants are not entitled to summary judgment as to Plaintiff’s state

law claims. Defendants are not entitled to summary judgment as to punitive damages.

Plaintiff's Motions for Judgment of the Pleadings, ECF Nos. 72 and 73, are GRANTED and Defendants' eighth and twelfth affirmative defenses are struck.

It is so ORDERED and DATED this 12th day of January 2024.

/s/Ann Aiken
ANN AIKEN
United States District Judge